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Chapter:	Adoption Services	
Subject:	Adoption Subsidy	Page 1 of 5
Approved:	Cynthia K. Walcott, Deputy Commissioner	Effective: 2/27/14
Supersedes:	Family Services Policy No. 193	Dated: 9/17/99

## Introduction

The adoption subsidy program is designed to allow and encourage families to provide permanent homes for children and youth with special needs and to eliminate the financial disincentive for foster parents to adopt a child/youth in their care. This policy provides guidelines for determination and review of adoption subsidies.

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## Policy

### Application Criteria

The department will accept applications for subsidy from:

1. Parents petitioning to adopt a child/youth with special needs (see definition below) in custody of the commissioner, whether or not the child/youth is IV-E eligible; OR
2. Vermont residents petitioning to adopt a child/youth with special needs who is not in custody of the department or the child welfare agency in another state. In

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order for the subsidy to be granted, the child/youth must meet all eligibility criteria, including IV-E eligibility criteria.

### Eligibility Criteria

A child/youth is eligible for the adoption subsidy program when:

- he or she cannot or should not return to the home of the biological parents;
- the division has made a determination the child/youth has a special need, such as ethnic background; age; sibling group; or medical, mental, or emotional condition that makes it reasonable to assume the child/youth could not be placed with adoptive parents without the assistance of a subsidy; and
- except where moving the child from a foster family is contrary to the child's best interests due to significant emotional ties to the foster parents formed during foster care placement, a reasonable effort has been made to place the child for adoption without providing adoption assistance.

Children and youth who are not in DCF custody must additionally meet Title IV-E eligibility criteria to be eligible for an ongoing subsidy.

### Requirements for IV-E Adoption Subsidy


A child/youth is eligible for Title IV-E Adoption Assistance if he or she:

- was eligible for Title IV-E foster care payments at the time of placement or would have been eligible if the application had been made and the child/youth is IV-E eligible at the time adoption procedures are initiated (see [Policy 300 IV-E Eligibility](#)), or;
- is SSI eligible before the legal finalization of the adoption, or;
- is the child of a youth who is in DCF custody, or;
- is a child/youth who is the subject of a Title IV-E Adoption Assistance Agreement

### Types of Assistance

The division may grant adoption assistance in one or more of the following forms:

- A monthly assistance payment. The needs of the child/youth and the circumstances of the adopting parents will determine if the division will grant this payment and in what amount.
- Payment for special services not provided for by other sources.
- Certain non-recurring adoption expenses up to \$2,000 per child/youth.
- Medicaid or Medicaid Managed Care.

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In addition, IV-E eligible children and youth are income eligible for social services funded by Title XX.

#### **Initial Agreements for Ongoing Adoption Assistance**

The division may determine a child/youth's eligibility for adoption assistance any time appropriate to case planning. Adoption assistance payments may begin when a child/youth is legally free for adoption, is living with his or her adoptive parent(s) and both the adopting parent(s) and the Commissioner have signed an agreement. The agreement must be signed by the adopting parents and the Commissioner before the legal finalization of the adoption.

#### **Determining the Amount of Subsidy**

The division and the adopting parents will negotiate the amount and types of subsidy based on the special needs of the child/youth and the resources of the adopting parents. The upper limit is the amount the division would be paying if the child/youth remained in foster care. The decision on the actual subsidy amount must be made with the participation of the adopting parent(s).

#### **Changes in Subsidy**

Once both parties sign an adoption subsidy agreement, the amount or type of subsidy can be changed only with the concurrence of both parties. When the financial circumstance of the family or the needs of the child/youth warrant it, parents may apply for reconsideration of the specifics of the written agreement.


#### **Subsidies Opened as a Result of Decisions by the Human Services Board or Vermont Supreme Court**

If an adoption assistance agreement is signed with a family as a result of a decision made by the Human Services Board or the Vermont Supreme Court, that subsidy will be effective as of the date of application. IV-E eligibility will be determined based on the child/youth's circumstances at the time of the legal finalization of the child/youth's adoption.

#### **Termination of the Agreement**

An Adoption Assistance Agreement may be terminated when:

- the terms of the agreement have been met.
- the parents are no longer legally responsible for the child/youth, or:
- the child/youth is no longer receiving support from his/her parents.

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### **Adoption Assistance Over Age 18**

When the division has provided adoption assistance for an adoptee under the age of 18, the division may enter into an agreement to provide assistance over the age of 18 under the following circumstances:

- the adoptee has not yet graduated from high school. In this case, the subsidy may be provided until the date on which (1) the adoptee graduates or (2) the adoptee leaves school without graduating.
- the adoptee has a lifelong mental or physical disability that limits activities of daily living as determined by a medical professional. The subsidy will be provided up to the adoptee's 21<sup>st</sup> birthday as long as his/her adoptive parents continue to provide financial support to the adoptee (regardless of whether the adoptee has completed high school.)


For all over-age-18 adoption assistance agreements the rate will be the current rate for Level 3 foster care, or the rate being paid before age 18, whichever is lower. Special services are not available as part of these agreements.

### **Adoption Assistance for Children in DCF Custody Whose Adoption is Finalized Between the Adoptee's 17th and 18th Birthday**

The initial adoption assistance agreement will articulate the specifics of the adoption assistance that will be paid before the age of 18, and if warranted, after the age of 18. Provisions governing payments over the age of 18 will conform to the previous section on that topic. Under no circumstances will special services continue past the age of 18.

### **Project Family Permanence Planning Counselor (PPC) Tasks**

- Determines the child/youth's eligibility for adoption assistance and IV-E, completing
- Determination of Special Needs [FS-A-23](#) and the Title IV-E Eligibility Worksheet [FS-A-23a](#).
- Explores the family's ability to adopt the child/youth without a subsidy.
- If a subsidy appears necessary, reviews explanation sheets [FS-A-21](#) and [FS-A-22](#) with adopting family. Explains the Application [FS-A-24](#) and Agreement [FS-A-25](#).
- Negotiates an appropriate subsidy with family, based on the child/youth's needs and the family's resources.
- Submits a subsidy packet to the Adoption Chief containing [FS-A-23](#), [23a](#), [24](#), and [25](#).

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- Handles further negotiations as necessary, ensuring the adopting parents and the commissioner sign the finalized agreement before finalization.
- Forwards signed copy of subsidy agreement to adopting family, noting date sent on agreement.
- After finalization, completes tasks on Adoption Closure Checklist [FS-A-41](#).

### Adoption Unit Tasks

- Works with PPC's and adoption manager to negotiate a subsidy that will meet the child/youth's needs.
- If the subsidy request is denied as submitted, returns to PPC with a written rationale for the denial.
- Requests from the Child Benefit Unit foster care rates and other payments being made on behalf of children/youth in care.
- Supplies PPC's with a copy of a child/youth's foster care record for the adopting family.
- Supplies legal documentation required by the Adoption Act of 1996 for the finalization of an adoption.
- After finalization closes out any benefits the Department may have received by notifying appropriate agencies and closes all foster care screens.
- Opens adoption subsidy screens, files Medicaid change notice, up-dates adoptive family contact information as needed.
- Supplies business office with necessary information to maintain adoption subsidy payments and reimbursement of expenses.
- Ensures that the continuing need for subsidy is reviewed upon the youth's sixteenth birthday and 2 months prior to the youth's 18<sup>th</sup> birthday.
- Handles any requests for post-finalization modification of subsidy agreements